IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 939 OF 2004

IN

SUMMARY SUIT NO. 1857 OF 2004

Vinod Kumar Surajbali Dubey .. Plaintiff

vs.

Shiv Singh Kandari .. Defendant.

Mr. H. Toor i/by G. R. Mishra for plaintiff.

Mr. G.P. Prabhu for defendant.

CORAM : S.U. KAMDAR, J.

DATE : 10TH OCTOBER, 2005.

P.C.

. The present suit is filed on a demand promissory note for Rs. 2,50,000/- with interest thereon of Rs. 78,054/- The defendant has not denied the execution of the demand promissory note. However, he has stated that his signature is taken without any transaction in respect of the same and he has lodged a police complaint for the same. I find no merit at all in the defence raised by the defendant. In my opinion, consideration is presumed under the provisions of the Negotiable Instruments Act. However, with a view to give an opportunity to

the defendant to defend the suit, I direct the defendant to deposit a sum of Rs. 3 lacs in this Court within four weeks from today. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.